

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
CESAR ANDUJAR,

Petitioner,

**9:18-cv-521
(GLS/DEP)**

v.

SUSAN KICKBUSH,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR PETITIONER:

Cesar Andujar
Pro Se
15-A-3467
Gowanda Correctional Facility
P.O. Box 311
Gowanda, NY 14070

FOR RESPONDENT:

HON LETITIA JAMES
New York State Attorney General
28 Liberty Street
New York, NY 10005

DENNIS A. RAMBAUD
Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following an Report and Recommendation by Magistrate Judge David E. Peebles duly filed on June 10, 2019. (Dkt. No. 23.) Following fourteen days from the service

thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report and Recommendation for clear error, it is hereby

ORDERED that the Report and Recommendation (Dkt. No. 23) is **ADOPTED** in its entirety; and it is further

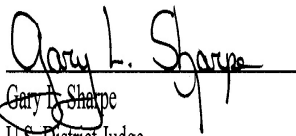
ORDERED that the petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

ORDERED that, because Andujar has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2), no certificate of appealability shall issue with respect to any of the claims set forth in his petition; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

July 1, 2019
Albany, New York


Gary L. Sharpe
U.S. District Judge